

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #11	CCRB Case #: 202000764	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/13/2020 7:30 PM	Location of Incident: § 87(2)(b)	Precinct: 44	18 Mo. SOL 7/13/2021	EO SOL 2/27/2022	
Date/Time CV Reported Wed, 01/29/2020 1:16 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 01/29/2020 1:16 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM John Latanzio	08320	963599	044 PCT
2. POF Hanna Cottignies	00468	966519	044 PCT
3. SGT David Vargas	05180	947569	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM John Latanzio	Abuse: Police Officer John Latanzio failed to obtain language interpretation services for § 87(2)(b)	§ 87(2)(b)
B.POF Hanna Cottignies	Abuse: Police Officer Hanna Cottignies failed to obtain language interpretation services for § 87(2)(b)	§ 87(2)(b)
C.SGT David Vargas	Abuse: Sergeant David Vargas failed to obtain language interpretation services for § 87(2)(b)	§ 87(2)(b)
§ 87(4-b), § 87(2)(g)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On January 29, 2020, § 87(2)(b) filed this complaint in-person at the CCRB.

On January 13, 2020, at approximately 7:30 p.m., § 87(2)(b) called 911, regarding a domestic dispute with her roommate at § 87(2)(b) § 87(2)(b) in the Bronx. Police Officer John Latanzio and Police Officer Hannah Cottignies, both of the 44th Precinct, responded to the location. § 87(2)(b) told the officers that she was a Spanish-speaker, and they did not obtain language services for her (**Allegation A and B: Abuse of Authority-Failure to obtain language services**, § 87(2)(g) Sergeant Davis Vargas, of the 44th Precinct, arrived on scene shortly after the initial unit and also failed to provide language services for § 87(2)(b) (**Allegation C: Abuse of Authority-Failure to obtain language services**, § 87(2)(g) When EMS responded to the location, one of the EMTs—§ 87(2)(b) spoke Spanish and, allegedly, served as an interpreter between the officers and § 87(2)(b) The EMTs and PO Cottignies escorted § 87(2)(b) to the ambulance, after which she was voluntarily taken to § 87(2)(b) Hospital.

There were no summonses issued or arrests made as a result of this incident.

There is no Body-Worn Camera footage or surveillance footage pertaining to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer John Latanzio failed to obtain language interpretation services for § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Hanna Cottignies failed to obtain language interpretation services for § 87(2)(b)

Allegation (C) Abuse of Authority: Sergeant David Vargas failed to obtain language interpretation services for § 87(2)(b)

§ 87(2)(b) (BR01) stated that when the two officers arrived at § 87(2)(b) later discovered to be PO Latanzio and PO Cottignies, PO Latanzio said something to her, which she did not understand. § 87(2)(b) told PO Latanzio and PO Cottignies that she did not speak English; she added that she was primarily speaking with PO Latanzio. PO Latanzio made a face that displayed dislike and did not make an attempt to seek an interpreter. § 87(2)(b) did not observe PO Latanzio use his radio or department-issued cell phone throughout the incident. § 87(2)(b)'s roommate—§ 87(2)(b) exited her room, at which point PO Latanzio and PO Cottignies went to speak with her because she spoke English. After a few minutes, an ambulance arrived with two EMTs. One of the EMTs spoke Spanish—later discovered to be EMT § 87(2)(b) and he served as an interpreter between the officers and § 87(2)(b) expressed to EMT § 87(2)(b) that § 87(2)(b) hit her pregnant stomach, which caused her to bleed; when he translated it to PO Latanzio, the latter did not respond or seem to care, but instead, continued speaking with § 87(2)(b) After about five minutes, § 87(2)(b) was escorted to the ambulance and subsequently taken to § 87(2)(b) Hospital for her injuries that resulted from the dispute that occurred prior.

The investigation did not obtain a statement from § 87(2)(b) because she did not wish to provide a statement (BR02).

EMT § 87(2)(b) stated (BR03) that he received a call about a pregnant woman that claimed to be assaulted by her roommate. When he and his partner arrived, there were four officers with § 87(2)(b) One of the officers, whom he could not describe but stated was male, approached him and explained that § 87(2)(b) stated that she was assaulted and wanted to get checked out. The officer asked EMT § 87(2)(b) if he spoke Spanish because they were having difficulty communicating with § 87(2)(b) He did not recall the officer sharing any other details about having a language issue. EMT § 87(2)(b) asked § 87(2)(b) to provide a summary of what happened to her, which she provided. He vaguely remembered a Spanish-speaking couple inside of the apartment, whom the officers told to refrain from becoming involved and having a dispute outside. After about 10 minutes, EMT § 87(2)(b) suggested that he and § 87(2)(b) move the

conversation to the ambulance for privacy, after which the ambulance escorted her to the hospital. He did not recall interacting with any other officer, except for the male that initially approached him.

PO Latanzio stated (**BR04**) that he and PO Cottignies received a call about a woman being spat on and shoved at § 87(2)(b) after which they responded to the location. Sergeant Vargas arrived at the location shortly after the officers, but PO Latanzio did not recall him having any involvement in the incident. Upon approach of the apartment, PO Latanzio knocked on the door and a male tenant opened the door, who told them that no one called 911. The male closed the door, after which the officers remained in the hallway. Either PO Latanzio or PO Cottignies used their radio to ask central to try the caller's callback number. Central informed the officers that the § 87(2)(b) was inside. One of the officers knocked on the door and the same male responded. PO Latanzio asked if they could go inside to make sure no one else was in the apartment, which the male allowed. PO Latanzio and PO Cottignies went by the kitchen, which was about 10 feet next to the front door. There was a room at the back of the apartment with its door open; § 87(2)(b) exited the room and told the officers what happened. PO Latanzio did not recall whether he or PO Cottignies was speaking directly with § 87(2)(b). The officers did not have issues communicating with § 87(2)(b) because she was speaking English. PO Latanzio was not aware of § 87(2)(b) requesting the services of an interpreter. When EMS arrived, PO Latanzio stated that he did not witness any conversation that § 87(2)(b) had with the EMTs. PO Latanzio did not recall any point in which § 87(2)(b) was unable to understand him, nor was he unable to understand her. PO Latanzio did not recall taking any steps to acquire language assistance.

PO Cottignies stated (**BR05**) that the radio dispatched them to § 87(2)(b). When she and PO Latanzio arrived, one of the officers knocked on the door and a male tenant opened the door. PO Cottignies did not recall any conversation she or her partner had with this male, but she stated that they both spoke to him; she only recalled specifically searching for a female. The male re-entered the apartment to call another female tenant—not § 87(2)(b). They had a conversation, during which Sgt. Vargas arrived on scene. Sgt. Vargas, who PO Cottignies noted was a Spanish-speaker, spoke with the two tenants, after which he requested consent to enter and search for the female caller. Sgt. Vargas and PO Latanzio entered the apartment, while PO Cottignies remained outside; she did not witness where they went while inside of the apartment. The officers exited the apartment, at which point § 87(2)(b) entered the building from outside and approached them. § 87(2)(b) stated, out loud and to no one in particular, that she needed an ambulance. PO Latanzio spoke with § 87(2)(b) but PO Cottignies did not hear their conversation, given that she remained with the two tenants; however, she stated that § 87(2)(b)'s request for an ambulance was in English. PO Cottignies did not recall § 87(2)(b) ever requesting language services, nor did she recall taking any steps to acquire language assistance on this day. PO Cottignies did not witness PO Vargas interacting with § 87(2)(b) throughout this incident. After some time, EMS arrived and the two EMTs, along with PO Cottignies, walked § 87(2)(b) to the ambulance. PO Cottignies did not recall speaking to the EMTs nor having any further interaction with § 87(2)(b).

Sgt Vargas (**BR06**) did not recall responding to this incident, nor did he recall working with PO Latanzio or PO Cottignies on January 13, 2020. He noted that he is a Spanish-speaker but added that he did not recall needing to use his abilities on this day, nor did he recall any officer failing to obtain language services for any civilian. Sgt. Vargas stated that there is an NYPD language training required to provide language services, which he did not receive and thus, would not have been called for this incident.

EVENT Information # D20011323884 (**BR07**) states that a Spanish-speaking caller, who had § 87(2)(b)'s phone number, called 911 regarding a female threatening her, pushing her, and spitting in her face. The EVENT Chronology notes that a sergeant was assigned to respond to the location at 19:40, and said unit was noted to be at the incident location at 19:47. The EVENT was closed at 19:51.

Patrol Guide Procedure 212-90 states that when a member of service encounters a Limited English Proficient person(s) and the services of an interpreter are necessary, they must determine the primary language of that person, contact a language line service for assistance, or determine if a bilingual member of service is readily available to interpret (**BR08**).

§ 87(2)(b), § 87(2)(g) EMT § 87(2)(b) and the EVENT all confirm that § 87(2)(b) is a Spanish-speaker. Although PO Cottignies and PO Latanzio both consistently state that they did not recall having any issues understanding § 87(2)(b) nor did they recall her requiring language assistance, the inconsistency among every other aspect of their statements and their involvement in the incident—how many civilians they interacted with, how § 87(2)(b) entered the scene, statements § 87(2)(b) made, etc.—has led the investigation to question the credibility of their statements. Therefore, given that two independent sources—EMT § 87(2)(b) and the EVENT—acknowledged that § 87(2)(b) was a Spanish-speaker, the investigation has determined, through preponderance of the evidence, that § 87(2)(b) is a Limited English Proficient person, which, according to the Patrol Guide, required the officers to seek language assistance services for § 87(2)(b) § 87(2)(b), § 87(2)(g)

Although Sgt. Vargas had no recollection of responding to the scene, both PO Latanzio and PO Cottignies, as well as the EVENT documents, confirmed that he responded to the incident location prior to § 87(2)(b) being taken to the hospital. § 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)


Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**BR09**).
- PO Latanzio has been a member-of-service for three years and has been a subject to two CCRB complaints with two allegations, none of which have been substantiated. PO § 87(2)(g)
- PO Cottignies has been a member-of-service for two years and this is the first complaint to which she has been a subject. § 87(2)(g)
- Sergeant David Vargas has been a member-of-service for 13 years. He has been a subject to four other CCRB complaints, none of which have been substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of the New York City Comptroller, § 87(2)(b) has not filed a notice of claim regarding this incident, as of February 2, 2021 (**BR10**).
- § 87(2)(b)

Squad No.: 11

Investigator:	 _____ Signature	Investigator Jessica Russo _____ Print Title & Name	09/30/2021 _____ Date
Squad Leader:	Edwin Pena _____ Signature	IM Edwin Pena _____ Print Title & Name	10/12/21 _____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date